



Appeal Decision

Site visit made on 9 December 2021

by E Symmons BSc (Hons) MSc MArborA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2022

Appeal Ref: APP/Y9507/W/19/3239485

The Plantation, Woodlands, Bramdean Common S024 0JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by J Butler against the decision of South Downs National Park Authority.
 - The application Ref SDNP/18/05230/FUL, dated 6 October 2018, was refused by notice dated 22 August 2019.
 - The development proposed is for erection of 3 holiday chalets within existing clearing.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Standing advice prepared by Natural England (NE) and the Forestry Commission (FC) titled Ancient woodland, ancient trees and veteran trees: advice for making planning decisions (AW Guidance), was revised and published on 14 January 2022. The main parties have had an opportunity to comment upon the revised guidance and no comments were received.

Main Issue

3. The main issue is whether the principle of three holiday chalets at the appeal site would be acceptable having regard to:
 - the effect on the character and appearance of the Bramdean Common-The Plantation, Site of Importance for Nature Conservation (Plantation SINC), Bramdean Common SINC and the South Downs National Park (NP);
 - the effect upon habitat comprising ancient woodland (AW), The Plantation SINC and Bramdean Common SINC, and
 - the purpose of the NP.

Reasons

Character and appearance

4. The appeal site consists of a grassed area within Ancient Replanted Woodland as shown on the AW Inventory. It is described within the submitted ecological

- appraisal¹ as having surviving AW fragments. It is also within the Plantation SINC, around 200m from Bramdean Common SINC and within the NP.
5. The appeal site, which contains three oak trees and a small group of spruce, is enclosed by a recently erected post and rail fence. The site is surrounded by woodland and to the east separated by a narrow band of trees, is an agricultural field. To the west, again separated by a narrow band of trees, is a field used for horse-grazing. The appeal site is accessed from the highway via a livery yard, and from there, along a gravelled track which leads through the woodland.
 6. A Landscape and Visual Impact Assessment² (LVIA) has been submitted. This concludes that the proposal would not result in a significant adverse impact as assessed from eight surrounding viewpoints, all of which are outside the woodland. I have no reason to disagree with this assessment. Similarly, due to its distance from the appeal site, the character and appearance of Bramdean Common SINC would not be harmed.
 7. The proposal would introduce both a built form and residential use comprising several bedspaces into an uninhabited area of woodland. Currently, there are few built structures within the woodland. The closest grouping is around 480 metres away and comprises a livery yard, associated buildings and an adjacent residential bungalow. When seen from within the woodland, the character and setting of the appeal site is sylvan.
 8. It is claimed that the proposal would not increase recreational use as visitors already use the area. However, neither current nor potential levels of recreational use have been quantified which makes assessment of impact speculative. Furthermore, introduction of overnight stays would create a different type and intensity of use. This would differ from current non-residential recreational use of the nearby bridleway and tracks. It would be likely to include, though not limited to, trampling; noise; light; fires and traffic movements, albeit vehicles would be limited to loading/unloading. Notwithstanding any design features of the chalets, it would by its very nature, have a potential impact upon the woodland character and general appearance of the area.
 9. Although proposed additional planting could mitigate visual intrusion, it would be unlikely to negate these other types of impact. Furthermore, even if the movements of visitors could be limited, both within the clearing and around its periphery, there would still be activity evident. This would harm the currently tranquil character of the area which is integral to the woodland and the Plantation SINC.
 10. The LVIA contends that the visual amenity value of the woodland and site has already declined due to a lack of tree cover and the presence of surrounding coniferous stands. I accept that the proposal has potential to benefit the wider forestry unit by introduction of an income stream allowing improvement of the whole woodland's character and appearance. However, no financial information supports this view. It is possible that this benefit could be achieved through other means and it is not clear whether these have been investigated.

¹ Lindsay Carrington Ecological Services. Ecological Appraisal, The Plantation, Bramdean Common, SO24 0JH. August 2018.

² Landscape and Visual Impact Assessment. The Plantation, Bramdean Common. Terra Firma Consultancy, October 2018.

11. Due to the addition of over-night accommodation and associated recreational use and activity, the proposal would harm the character and appearance of the Plantation SINC, and consequently the NP. This would conflict with Policy SD4 (1a), (1b) and (5) of the South Downs Local Plan (2014-2033), July 2019 (SDLP). This policy, amongst other matters, requires proposals to be informed by and enhance the landscape character.

*Ancient woodland and SINC*s

12. The appeal site is around one hectare. Photographic evidence supports the view that it had tree cover as recently as 2013. At some point after this, most of the trees were lost forming a glade. The ecological report details the presence of remnant woodland species within the herb layer. Although reportedly rare, the AW indicator species, *Hyacinthoides non-scripta* is present. This is protected under schedule 8 of the Wildlife and Countryside Act 1981.
13. I acknowledge that glades within woodland can be beneficial for invertebrates and the ecological report makes management suggestions to encourage this alongside colonisation by woodland flora. Furthermore, improved management of the glade could compensate for the loss of grassland to the footprint of the lodges. However, this would involve control of visitors' movements within the glade and surrounding woodland by provision of grass paths and advisory signage. The feasibility and desirability of enforcing such measures within this type of woodland holiday experience is questionable.
14. AW Guidance recommends criteria which can be used to assess the effect of proposals. In summary, it requires direct and indirect effects on AW of construction and site operation to be assessed.
15. With respect to indirect harm, although mitigation for light-spill would be possible, visitors and their dogs may cause direct and indirect harm through degradation of habitat, disturbance and soil compaction. Moreover, the proposed fire-pit and the inclusion of log-burners could foreseeably lead to unauthorised collection of fuel and trespass into protected areas. For reasons already discussed, the feasibility of controlling visitor movements and therefore recreational pressure, could be difficult. The lack of data on current or potential levels of use limits assessment of these effects and introduces uncertainty regarding this impact.
16. Policy SD11, in common with AW Guidance, requires a 15m buffer between development and AW which could mitigate recreational pressure. However, due to the position of the proposal within the AW itself, and proximity of the chalets to the edge of the clearing, this buffer would not be achieved. This adds weight to my concerns regarding the impacts of the proposal on AW.
17. Although the area of woodland required for this proposal would be relatively discrete, it is within a fairly narrow "peninsula" of woodland. The limited width of this part of the woodland makes it more sensitive to change. Connectivity of AW, both within the woodland and to and from the wider area, is important to allow movement of plant and animal species. The impact of structures; introduction of over-night accommodation; increased recreational use and associated disturbance has not been fully considered in this respect. The ecological report also raises the potential for the presence of protected species. These are, roosting bats which could be impacted by light and dormice and reptiles potentially affected by habitat disturbance.

18. An arboricultural assessment and method statement³ has been provided. This indicates potential to enable the works to take place whilst retaining existing tree cover within the clearing and at the proposed hammer-head entrance. However, the effect on the wider AW of an increased number of cars passing along the track from the main access has not been assessed. Furthermore, it is not clear whether service connections would be required or where links would be placed. It is therefore not possible to assess with certainty whether guidelines provided regarding installation of services whilst protecting existing trees would be feasible given the distance of the appeal site from other established buildings.
19. The glade is part of the AW and was recently treed with woodland indicator species still present. There is potential to investigate alternative siting of the proposal on ecological grounds as suggested by NE and Winchester City Council's ecologist. Should this occur, replanting of the clearing may be possible and development of the area would prejudice this. It is unclear whether this management option has been considered within the existing management agreement with the FC.
20. In addition to the FC management plan, there is a five year woodland management plan dated 2011. However, no update to this, or details of links between this and FC funded works has been submitted. Notwithstanding the lack of detail regarding current management arrangements, the income stream derived from the proposal could enable wider woodland management. Other biodiversity gain could come from addition of bat boxes; hedgehog domes; hibernacula; green roofs to chalets; additional tree planting in the glade and replacement of peripheral conifer stands with broadleaves. However, AW Guidance is clear that as this habitat is irreplaceable, proposed compensation measures should not be considered as part of the assessment of the merits of the proposal.
21. The proposal would harm the AW and Plantation SINC due to introduction of structures and associated activity. It could also prejudice any potential for re-planting. The tree protection details require more detail and the potential impact of recreational pressure has not been quantified or mitigated for by inclusion of a 15m buffer. There is local and national policy and guidance presumption against development of the site due to its status as AW. This is reflected within Policy SD9(2)(c) of the SDLP which accords with the National Planning Policy Framework 2021 (the Framework). This states that development resulting in the loss or deterioration of irreplaceable habitats such as AW should be refused unless there are 'wholly exceptional reasons', and a suitable compensation strategy exists. Furthermore, Policy SD11 of the SDLP seeks to conserve and enhance trees and woodlands.
22. The Framework gives examples of situations which would represent wholly exceptional reasons. These include infrastructure projects (including nationally significant infrastructure, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.
23. The benefits which could be derived from this proposal would not be of the same magnitude as the examples cited within the Framework. Consequently,

³ Barrell Tree Consultancy. Arboricultural assessment & method statement. The Plantation, Bramdean Common, Alresford. 16 August 2018.

they do not represent wholly exceptional circumstances which would support the proposal, particularly since other ways to deliver these benefits have not been fully investigated. The proposal therefore conflicts with Policy SD9 and SD11 of the SDLP and the Framework. With respect to Bramdean Common SNCI, any effect would be indirect and could be controlled through a Construction Management Plan secured through a suitable condition.

Principle of the proposal

24. The purposes of the NP are: (1) conserve and enhance the natural beauty, wildlife, and cultural heritage of the area; and (2) to promote opportunities for the understanding and enjoyment of the special qualities of the NP by the public. Policy SD23 of the SDLP which relates to tourism, sets out several criteria to be satisfied when considering such developments.
25. This proposed tourism related development would be sited within the NP and aims to provide an income stream which would supplement the equestrian and forestry business and facilitate further woodland management. The proposal supports many of these aims by providing an opportunity for visitors to understand and enjoy the NP; by proposing sustainable travel options; being proportionate in scale and linking with an existing business. The benefits would be provision of accommodation within the NP, support for the rural community and enhanced woodland management.
26. However, as it would be outside the settlement boundary, Policy SD23 requires that it should positively contribute to the natural beauty of the NP and be closely associated with other attractions/established tourism uses or be part of a farm diversification scheme. I have identified harm to the character and appearance of the area and there is no certainty that improvements to the area's beauty through potential woodland management would mitigate this. Furthermore, although this proposal may represent diversification, a 'diversification plan' required by Policy SD40 has not been submitted.
27. The accommodation would seek an immersive woodland holiday experience and proximity to woodland is preferred. Policy SD23 has a presumption for re-use of existing buildings. There have been unsuccessful applications for such schemes in the past. However, these were under a different policy framework and it is not clear if alternative sites/re-use of buildings has been revisited more recently. It has therefore not been demonstrated that within the context of the wider woodland estate, or the NP as a whole, the appeal site would be the most appropriate place for this proposal.
28. The two purposes of the NP must be balanced. Policy SD1(2) of the SDLP states that where there is conflict, the first purpose takes precedence. It goes on to say that where 'exceptional circumstances' exist and the benefits of the proposal demonstrably outweigh the great weight applied to the first purpose of the NP, and there is substantial compliance with other relevant Local Plan policies, permission may be granted.
29. Although benefits associated with the proposal have been identified and comply with some parts of the policy, it has not been demonstrated that exceptional circumstances regarding the principles of the NP exist. Nor has it been clearly shown that these benefits demonstrably outweigh the great weight applied to the first purpose of the NP. I therefore give significant weight to the harm I have identified to the character and appearance and ecological value of the

woodland and therefore the first purpose of the NP. The proposal would conflict with Policy SD1(2), Policy SD23 and Policy SD40 of the SDLP.

Other matters

30. The appellant has expressed dissatisfaction with the way pre-application advice was dealt with by the Authority and the weight given to it within the decision. Planning authorities are not bound by such advice and this matter is beyond the planning considerations of this appeal.
31. The appellant suggests that the proposal would meet the requirements of Policy SD27 of the SDLP. However, this policy does not relate to holiday accommodation and as such I have given it little weight within my decision.
32. The prominence of a recent development at Brocklands Farm has been raised to support the view that the proposal's woodland setting would be less intrusive than an open location. However, this is not an equivalent example being a considerably larger residential development. Furthermore, I have not been provided with its planning history or the status of the land upon which it is built. I therefore give limited weight to the comparison.

Planning balance and conclusion

33. The development would be isolated from other buildings; attract recreational use into AW; harm the area's woodland character and appearance and it has not been sufficiently demonstrated that the proposal would have no direct and indirect impact on AW. Furthermore, the need for the proposal to be situated within the appeal site has not been demonstrated and there is conflict with the first principle of the NP with wholly exceptional circumstances to outweigh this conflict not being identified.
34. The proposal could deliver several potential benefits and support some policies within the development plan. The chalets would be high quality, well-spaced from one another; have a sympathetic design; would be a tourist development in the NP; would potentially provide an income stream to supplement the existing business; support the rural community; facilitate further woodland management and it proposes sustainable travel options. However, due to the limited scale of the proposal and the lack of financial and detailed supporting information, I afford these benefits moderate weight within my decision.
35. However, I have found conflict with the policies which are the most important to determine this appeal when considering its effect upon the character and appearance of the area and purpose of the NP. I afford this substantial weight. With respect to the AW, the benefits identified do not represent wholly exceptional reasons for allowing the proposal. I give substantial weight to this conflict.
36. Material considerations do not indicate that decisions should be taken otherwise than in accordance with the development plan. Consequently, and on balance, the appeal is dismissed.

E Symmons

INSPECTOR